

1957

Three Articles of Richard M. Moley

Mike Mansfield 1903-2001

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Statement by Senator Mike Mansfield (D-Mont.),
Chairman, Subcommittee on Privileges and Elections

Mr. President, in the Congressional Record for Thursday, March 28, 1957 on pages A2533-A2534 of the Appendix, there appears under the Extension of Remarks of the Honorable Richard M. Simpson of Pennsylvania reference to three articles written by Raymond Moley. These articles were published by the Waterbury Republican February 22, 1957, and by Newsweek Magazine on March 4 and again on March 11, 1957.

In the Congressional Record of March 29, 1957, appearing on pages 4272-4295, are an alleged analyses of the Report of the Subcommittee on Privileges and Elections relating to campaign contributions and expenditures in the 1956 General Election, and remarks pertaining thereto by the distinguished Senior Senator from Kansas, Mr. Schoeppel, the distinguished Junior Senator from Nebraska, Mr. Curtis, the distinguished Junior Senator from Arizona, Mr. Goldwater, and the distinguished Junior Senator from Minnesota, Mr. Humphrey.

The article which appeared in the Waterbury Republican and Newsweek Magazine by Mr. Moley and the statement in the Congressional Record by Senator Schoeppel, Chairman of the National Republican Senatorial Campaign Committee, and which fills some sixteen pages of the Congressional Record, all relate to the Subcommittee's Report on Campaign Contributions and Expenditures during the 1956 General Election campaigns, and purport to point out glaring flaws, omissions, misrepresentations, and other errors tending, according to the authors of these writings and statements, to mislead the American public concerning the source of campaign contributions and the manner in which expenditures were made, and to bring discredit upon the Republican Party.

The distinguished Senior Senator from Kansas has submitted a statement after weeks of study of the Subcommittee Report, and he has charged that errors which appear in the Report render it of very doubtful value. Mr. Moley, likewise, prepared his articles after a private study of the Subcommittee Report.

In neither case was information obtained to refute the findings of the Subcommittee from any source except the report itself.

Shortly after the March 4 edition of the Newsweek Magazine was distributed, I received a letter from Mr. and Mrs. F. W. Lavery of Fort Worth, Texas, who referred to the article by Mr. Moley, and asked for my views concerning Mr. Moley's criticism. The text of that letter is as follows:

Fort Worth, Texas
1912 S. Jennings Avenue
March 4, 1957

Honorable Mike Mansfield
Washington, D. C.

Dear Senator:

My husband and I have long been an admirer of yours; we felt that you were honest and courageous. Enclosed is an article from Newsweek written by Raymond Moley, who, I understand, is an authority in his field. In this article, he questions your judgement, as well as your integrity.

We would be interested in your views on this article.

Yours very truly,

(signed)
Mr. and Mrs. F. W. Lavery

On March 12, 1957, I mailed an answering letter to the Lavertys and answered not only the article which appeared in the Newsweek Magazine of March 4, 1957, but also a subsequent one which appeared on March 11, 1957. The text of my letter is as follows:

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March 12, 1957

Mr. and Mrs. F. W. Lavery
1912 South Jennings Avenue
Fort Worth 10, Texas

Dear Mr. and Mrs. Lavery:

I have read the article by Mr. Raymond Moley which appeared in the March 4 edition of Newsweek Magazine and which you enclosed with your letter of the same date. A subsequent article by the same author appears in Newsweek Magazine of March 11, dealing with the same subject -- the Report of the Subcommittee on Privileges and Elections on the 1956 General Election.

I will not comment on the editorial policy of Mr. Moley, but a thorough review of the activities of the Subcommittee during the 1956 campaign, and a study of its report should reveal to any interested and impartial observer that the work of the Subcommittee was completely bi-partisan and objective in all of its functions. Further, all of the actions of the Subcommittee were performed with the unanimous consent of its members. Not until the report was finally published was there a dissenting opinion voiced.

Toward the end of August, 1956, the Subcommittee unanimously agreed to conduct a thorough investigation into campaign finances on the Federal level, and, as far as practicable, on the State level. Subcommittee questionnaires were prepared and after approval by the committee, were mailed to all Senatorial candidates, political committees, labor unions, and other political organizations whose names and addresses were capable of being ascertained through all possible sources. The Subcommittee requested all of these individuals and groups to report concerning cash on hand, contributions received, expenditures made, of whatever nature, during the 1956 campaign. Reports received from national committees and other national organizations covered the entire year. Reports from State and local organizations were for a lesser period of time because it was not possible to canvas the entire field during the limited time available to the Subcommittee.

The reports which were received from all sources were signed and duly sworn to, or affirmed by the candidates themselves or by responsible officers of the committees or other organizations. From these sworn reports which were received by the Subcommittee and from the sworn reports received by the Clerk of the House of Representatives and by the Secretary of the United States Senate, the Subcommittee obtained the information which is disclosed in its report on the 1956 General Election.

There are no allegations or insinuations anywhere in the report of the Subcommittee to the effect that any person, corporation, labor union, or other organization or association gave contributions or made expenditures or attempted in any way to influence the result of an election or elections, unless the person, corporation, labor union, or other organization did in fact do so as reported in the sworn statements so filed.

The report selected certain groups and disclosed contributions and expenditures by persons associated with such groups, and where persons were known to be associated with more than one group or corporation or labor union, such persons were named and their contributions or expenditures listed. In almost every case, the total of contributions or expenditures was properly noted, so that the overall total of contributions and/or expenditures does not include duplications or repetitions in any manner. Because of the mass of material and figures gathered during this initial inquiry, it was not possible to avoid some errors, but these were inadvertent, and not due to any wilful or deliberate attempt to mislead.

Contributions and expenditures to or by the Democratic Party, the Republican Party, and other miscellaneous parties are all faithfully reproduced in the report with the sole intent of disclosing the picture of campaign financing accurately and objectively without intent to focus improper attention on any party, person, or other organization.

The study which was conducted by the Subcommittee during the 1956 campaign was the first effort of any Senate body to obtain as fully as possible information on the activities and finances of all candidates, all committees, and all other organizations or associations during a general election. Because of the magnitude of this undertaking and the limited time during which the investigation was conducted, as well as the fact that it was

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the first of its kind, the Subcommittee readily admits that its report is not infallible. The report states that not every person, committee, or other organization or association which was active during the 1956 campaign was contacted by the Subcommittee, or filed a report, and the total figures for contributions and expenditures, as reported, are not necessarily the complete totals for the year 1956.

However, within the power and jurisdiction of the Subcommittee, the very best job possible was accomplished, and it is the sincere wish of the Subcommittee that its efforts will lead to improvements in existing legislation, and a more complete and detailed disclosure of campaign finances in the future.

Thank you for your interest in this matter and for calling my attention to the article which you forwarded. I hope that I have been able to answer your questions to your satisfaction,

Sincerely yours,

(SIGNED)

MIKE MANSFIELD

Chairman

Subcommittee on Privileges and Elections

On page 4289 of the Congressional Record of Friday, March 29, 1957, the distinguished Junior Senator from Nebraska, Mr. Curtis, pointed out that he had received a letter from the President of the American Bar Association commenting on the listing in the Subcommittee Report of contributions by individuals belonging to selected special groups, including the American Bar Association.

Mr. President. The President of the American Bar Association, Mr. David F. Maxwell, on March 19, 1957, wrote to me as Chairman of the Subcommittee on Privileges and Elections with respect to the listing of individuals identified with business and professional groups who contributed \$5,000 or more during the 1956 campaigns. A copy of Mr. Maxwell's letter was sent to Senator Curtis, and I assume it was this letter to which Senator Curtis referred in his remarks.

The text of the letter received from Mr. Maxwell is as follows:

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AMERICAN BAR ASSOCIATION

March 19, 1957

Honorable Mike Mansfield, Chairman
Subcommittee on Privileges and Elections
United States Senate
Washington, D. C.

Dear Senator Mansfield:

In the February 15th, 1957, issue of the news magazine, "U. S. News and World Report", there appeared an article on 1956 election campaign contributions based upon information in the report of the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration.

One of the categories of contributions was headed, in large type, "Contributions to the Two Political Parties by Business and Professional People", and, in smaller type: "Individuals identified with business and professional groups who contributed \$500 or more each in the 1956 campaign are listed in the Senate Elections Subcommittee Report. The contributions:" Under this heading, the name of the American Bar Association appeared, followed by figures indicating contributions of \$5,000 to the Republican and \$2,500 to the Democratic National Committees.

Actually, these were purely individual gifts of six men who happen to be members of the American Bar Association. But many of our members and others who read this article concluded the American Bar Association had made these contributions as evidenced by the number of letters of protest I received. This misunderstanding is unfortunate, because the American Bar Association is, of course, a voluntary service organization of the legal profession which not only is strictly non-partisan in all its operations, but makes no political contributions whatever.

Our Board of Governors was naturally distressed by the implications contained in the report and directed me to write you with respect to it. We realize there was no intent, on the part of the Subcommittee or of the "U. S. News and World Report", to cause embarrassment to this association, or any other. But we do respectfully submit that the practice of linking purely personal contributions of individual

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donors to an association to which they happen to belong, and lumping these individual gifts together in such a way to identify them with the association, leads inevitably to misinterpretations, and is unjustified.

That the particular contributions referred to were personal and completely unrelated to the American Bar Association is attested by the individuals who made them. Since all of these gentlemen have various other organizational affiliations, we are at a loss to understand why this association was singled out as the organization with which their personal gifts should be identified in the Subcommittee's report, rather than any one of the other organizations to which they belong. For instance, Joseph W. Henderson of Philadelphia, one of the individuals listed as an American Bar Association contributor, happens to be President of the Union League of Philadelphia which, as you know, is a Republican Club, and I am certain that his contribution was intended to be credited to that source, rather than to the American Bar Association. On the other side of the aisle, Richard Bentley of Chicago is a member of Governor Stevenson's former law firm. His contribution to the Stevenson campaign was sent on his law firm stationery and was intended to be credited to the "Volunteers for Stevenson." Neither of these gentlemen had the slightest idea that their contribution would be attributed to their membership in the American Bar Association nor did they wish it to be.

The American Bar Association membership of 90,000 includes men and women of both political parties. You can therefore understand why there was such widespread protest from members of both parties following the publication of the article in the "U. S. News and World Report." Our Association has existed to serve the legal profession and the public for 80 years. Its activities are conducted on a strictly non-partisan basis; the legislative questions on which it takes positions are those affecting the administration of justice and the public interest within the scope of the Association's objectives.

It is our hope that your Subcommittee will take whatever steps are necessary to prevent a recurrence of similar incidents in the future. We hope that you will particularly give consideration to the manner of listing the contributions of individuals in such manner that it will be clearly indicated that they are personal contributions without connecting them up in any way with organizations having no part in political activities. In order that I may make a report to the Board of Governors of this Association, I will appreciate hearing from you with respect to this matter at your earliest convenience.

Thanking you and your colleagues for your consideration of this request, I am

Sincerely yours,
(SIGNED)
David F. Maxwell
President

On March 25, 1957, I sent a reply to Mr. Maxwell,
and the text of that letter is as follows:

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March 25, 1957

Honorable David F. Maxwell
President
American Bar Association
1418 Packard Building
Philadelphia 2, Pennsylvania

Dear Mr. Maxwell:

This will acknowledge receipt of your letter of March 19, pertaining to the report of the Subcommittee on Privileges and Elections entitled, "1956 General Election Campaigns."

When the broad investigation into campaign finances was conducted by the Subcommittee during 1956, it was the announced intention of the Subcommittee to inquire into all sources from which contributions were received and the manner in which expenditures were made. Majority and minority representation on the Subcommittee were in accord that the investigation should be as complete and objective as time and resources would permit. Not only were candidates and political committees requested to report to the Subcommittee concerning contributions and expenditures, but also an attempt was made to determine what impact, if any, was made on Federal elections by certain other groups or associations throughout the United States.

The reports which were received by the Subcommittee were sworn to or affirmed by candidates or by officers of committees, groups or associations, and in no case did the Subcommittee report a contribution or expenditure by a person, committee, or other group which was not substantiated by reports filed with the Subcommittee. And, in no case did the Subcommittee report a contribution or expenditure by a group, organization, or other association, if in fact the contribution or expenditure was given or made by an individual.

In many instances, the name of an individual contributor appears in more than one place in the report -- i. e. -- as a director, delegate, or other official of a group or association, as a contributor to a Democratic and Republican National Committee, as a contributor to a State Democratic or Republican Committee, or for other purposes listed in the report.

You have referred in your letter to Joseph W. Henderson of Philadelphia and to Richard Bentley of Chicago, who are both members of the House of Delegates of the American Bar Association. Each of those men is listed as having contributed to the Republican or Democratic parties. They have also been listed by the Subcommittee in other portions of the report as follows:

(1) Exhibit #26 -- "Consolidated Alphabetical List of Contributors of \$500 or Over to Democratic and Republican Committees and Candidates for the Period January 1, 1956 - November 30, 1956."

Richard Bentley, \$2500 (Democrats), Page 26-5.
 Joseph W. Henderson, \$1500 (Republicans), Page 26-106.

(2) Exhibit #27 -- "Contributors of \$500 and Over to Political Committees and Candidates for the Period January 1, 1956 - November 30, 1956, by States."

Richard Bentley, Illinois, \$2500 (Democrats), Page 27-11.
 Joseph W. Henderson, Pennsylvania, \$1500 (Republicans), Page 27-171.

(3) Exhibit #28 -- "Alphabetical List of Contributors of \$500 and Over, Arranged by Party and by Recipient Committee or Candidate for Period January 1, 1956 - November 30, 1956."

Richard Bentley, National Volunteers for Stevenson, \$2500 (Democratic)
 Page 28-12
 Joseph W. Henderson, Republican National Committee, \$500 (Republican)
 Page 28-71
 Joseph W. Henderson, Pennsylvania Republican Finance Committee, \$1000
 Page 28-195

Therefore, it may readily be ascertained by a reading of the full report of the Subcommittee that Messrs. Bentley and Henderson are listed as contributors to the Democratic and Republican Parties respectively, as individuals. And further, that they are listed not only as contributors of \$500 or more or as contributors to National Committees, but also that their contributions were further broken down to State Committees.

In like manner, Messrs. Herbert Brownell, Jr., Arthur H. Dean, W. T. Gossett, and Whitney North Seymour are shown as individual contributors to Republican organizations in Exhibits 26, 27 and 28.

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The Subcommittee had no intention to intimate that an individual contribution or expenditure was actually made by a particular group, organization or other association per se.

Exhibit 22 specifically states that the contributions listed were "1956 Political Contributions of \$500 and Over by Persons Belonging to Selected Special Groups," and you have been frank to admit this fact in your letter. The Subcommittee regrets any misinterpretation which has been drawn by readers of the report. And, of course, the Subcommittee cannot be responsible for any material allegedly reproduced in either the United States News and World Report or any other magazine or newspaper.

I hope that this information will prove of value to you in preparing your report to the Board of Governors of the American Bar Association, but if there should be any additional facts desired, please let me hear from you again.

Sincerely,

(SIGNED)

MIKE MANSFIELD

Chairman

Subcommittee on Privileges and Elections

On August 31, 1956, the Subcommittee on Privileges and Elections which at that time was under the Chairmanship of the distinguished Junior Senator from Tennessee, Albert Gore, and on which I had the pleasure of serving together with the distinguished Junior Senator from Nebraska, Mr. Curtis, met in Executive Session, and unanimously agreed to conduct a thorough, impartial and objective study of campaign contributions and expenditures during the 1956 General Election campaign on the broadest scale possible, in consideration of time and resources available to the Subcommittee.

Acting under the jurisdiction conferred upon it by the United States Senate, the Subcommittee on Privileges and Elections increased its staff and began the immediate preparation of questions and reporting forms which were to be sent out to as many candidates for Federal office, political committee, labor unions, radio and television stations, other media of written or oral communication, and other individuals, organizations or associations, whose names and addresses the Subcommittee was capable of ascertaining. Hearings were conducted by the Subcommittee on September 10 and 11, and again on October 8, 9 and 10, 1956, during which time testimony was received from political scientists, members of political committees, officers of various branches of the government, labor union representatives, corporation officials, and many others who personally requested or were requested by the Subcommittee to appear and testify. Notices were sent to each Member of the Senate announcing the dates of the hearings and inviting all those interested to attend and participate in the hearings.

On Tuesday, October 9, 1956, the distinguished Junior Senator from Arizona, Mr. Goldwater, availed himself of the opportunity to participate in the hearings of that day, and examined Messrs. Joseph McDevitt and Jack Kroll, Co-Directors of the AFL-CIO Committee on Political Education, and Mr. Walter P. Reuther, President of the International

Union, UAW-CIO, and at that time, stated that he would submit a letter to the Chairman, the distinguished Junior Senator from Tennessee, Albert Gore, requesting that the Subcommittee obtain certain information from various unions. The text of Senator Goldwater's letter appears on page 456 of Part II of the hearings which were published in 1956.

Every opportunity was afforded to representatives of both major political parties to present facts and request action on all matters pending before the Subcommittee relating in any manner to campaign finances and political activities. No action was taken at any time by any of the members of the Subcommittee to forestall, delay or camouflage inquiry into any field of political activity or financing upon which attention was focused.

Following recommendations by Senator Curtis and Senator Goldwater, an investigation was conducted in Flint, Michigan concerning alleged violations of Federal election laws by the Greater Flint Industrial Union Council, and, specifically, Local #599 of the United Auto Workers. As the Subcommittee report states, that investigation was somewhat hampered by the facts that the campaign was then at its height, and that an investigation in progress was known to the press. The Subcommittee investigator reported back to the Subcommittee that he was unable to obtain all of the information for which he was sent, and that his conclusions were necessarily incomplete.

The Subcommittee, meeting in Executive Session, all Members being present, unanimously agreed not to pursue the investigation further at that time, but to refer the matter to the Department of Justice for such action as should be deemed necessary.

The statement by the distinguished Chairman of the National Republican Senatorial Campaign Committee omits any reference to the fact that the case above-described was transmitted to the Department of Justice. The remarks which appear in the Record of March 29, 1957, by Senators Goldwater and Curtis, likewise fail to acknowledge that such action was taken.

Section 610 of the Federal Corrupt Practices Act (Title 18, U. S. C., Section 610) prohibits contributions or expenditures by national banks or Federally organized corporations, and also contributions or expenditures by any corporation or labor union in connection with Federal elections. Members of both major political parties have long complained that direct contributions and/or expenditures and other means calculated to influence the result of elections have been employed by corporations and labor unions. Some charges of this nature have resulted in court action to enforce the provisions of Federal election laws. The Subcommittee received testimony from Warren Olney, III, Assistant Attorney General in Charge of the Criminal Division of the Department of Justice, with reference to the enforcement of Section 610, Title 18, U. S. C. In a statistical report of complaints received by the Department of Justice concerning alleged violations of this section from 1950 - 1956, Mr. Olney pointed out that during that period, there had been received fifty-four complaints, of which forty-nine were considered by the Department to be worthy of investigation. Of these complaints and investigations, fourteen cases were presented to the Grand Jury. Only two indictments were obtained and only one case was brought to trial and resulted in an acquittal. One further case, the United States v. International Union, United Automobile, etc., Workers, was heard in the Federal District Court for the Eastern District of Michigan. An appeal from that court to a decision adverse to the complainant, was taken to the Supreme Court of the United States. That august body remanded the case to the District Court for the Eastern District of Michigan for trial. Thus, there is no clear

decision concerning political activities by labor unions, corporations or national banks.

The Subcommittee sent no questionnaires or other forms to corporations, but relied solely for information on such legal entities upon reports filed by candidates and political committees with the Clerk of the House of Representatives and the Secretary of the Senate.

Every phase of the enormous task of compiling statistics of campaign contributions and expenditures, both on the Federal and the State levels, was done only after conference with all Members of the Subcommittee, and, in every instance, with the concurrence of both majority and minority members. Time and time again was the maxim reiterated that the intent of the Subcommittee was to disclose to the best of its ability, time and resources permitting, as much of the financing for all campaigns throughout the United States as was humanly possible, and that the aim of the Subcommittee was to produce a statistical report free from bias or political partisanship.

An interim report, compiled by the Subcommittee, was submitted to each of the Members, and an opportunity was given for the submission of corrections and any criticisms which might be brought to the attention of the Subcommittee. No objection to the printing of the Subcommittee's interim report was officially voiced by any Member of the Subcommittee at any of its meetings, with the exception that the distinguished Junior Senator from Nebraska, Mr. Curtis, expressed his opinion that donors who made contributions within the letter of the law ought not to be subjected to embarrassment or humiliation.

Mr. President. If any embarrassment or humiliation was suffered by individuals who made political contributions, then such embarrassment or humiliation is due, not to the efforts of the Subcommittee, but to the provisions of the Federal Election Laws which require that contributions and expenditures be reported to the Clerk of the House or the Secretary of the Senate.

Except for this one objection, the functioning of the Subcommittee was absolutely without discord. Not until the Subcommittee Report was printed in final form did the Minority Member, Senator Curtis, provide his Minority views.

Indeed, Mr. President, a reading of the Minority views, which appear on pages 25 - 28 of the Subcommittee Report, reveal that the distinguished Junior Senator from Nebraska, Senator Curtis, appreciated the very difficult and complex problems which confronted the Subcommittee in its attempt to perform its duty on such an enormous scale.

On page 26 of the Report, Senator Curtis stated, and I quote:

"It must be stated without reflection on the staff of the committee or necessarily on the witnesses, that no full disclosure of the conduct of the campaign has been made. The difficulties appear to be in some degree procedural. There has been lacking an adequate definition of terms as to what constitutes a 'political' expenditure and adequate accounting procedures which would make mandatory the full reporting of all such expenditures which would make mandatory the full reporting of all such expenditures. The present hearings have again demonstrated that neither through legislation nor through committee action has the Congress made adequate specifications."

The Subcommittee on Privileges and Elections fully recognizes that there are areas in the law which permit campaign contributions and expenditures and other activities which tend to influence the result of elections to go undisclosed and unreported. Reporting techniques and the attendant responsibilities of political committees, candidates, labor unions, corporations, and other organizations or associations have not yet been defined in detail by law, or interpretations of pertinent sections of the law have lost their meaning through accepted construction, so that political finances are either unreported or the reports are incomplete, ambiguous, or otherwise vague and uncertain.

Some contributions and expenditures, faithfully reported by the original source, have lost their meaning through transfers of funds, subsequent reports by other committees which have "picked up" the same information, and errors in names, addresses and amounts.

Taking all of these problems into consideration, as well as the limitation of time and resources, the Subcommittee did its very best, objectively and honestly, to inform the Senate and the people of the United States concerning campaign finances during 1956. Its information was obtained only from reports filed with the Subcommittee or with the Clerk of the House of Representatives or the Secretary of the Senate. Every effort was made to discover and correct duplications in reporting, errors in names, addresses and amounts, and other defects which members of the staff were capable of discerning. The Subcommittee readily admits that its report is not infallible. The Subcommittee wishes to thank the Senior Senator from the State of Kansas for calling to the attention of the Subcommittee any errors or omissions which exist in the report. In the event there should be a reprint of the Subcommittee's Report, every effort will be made to correct such errors or omissions, and to make the reprint as nearly perfect as possible.

Mr. President, I wish to reiterate that the task of the Subcommittee was very difficult and very complex; that no prior study of such magnitude had ever been undertaken on this subject by any Senate committee, and the Subcommittee has every reason to be proud of its accomplishment without embarrassment because some errors may appear in its work. The overall picture of campaign contributions and expenditures would still remain the same if the errors referred to by the distinguished Senior Senator from Kansas were taken into account and the Subcommittee stands ready and willing to defend its report on the floor of the Senate, or elsewhere.

